

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JEFFERSON COUNTY COMMISSION;
PATRICIA NOLAND, *as an individual
and behalf of all others similarly situated*;
and DALE MANUEL, *as an individual and
behalf of all others similarly situated*,

Plaintiffs, and

THORNTON COOPER,

Intervening Plaintiff,

v.

Civil Action No. 2:11-CV-989
(KING, BAILEY, BERGER)

NATALIE E. TENNANT, *in her capacity as
the Secretary of State*; EARL RAY TOMBLIN,
*in his capacity as the Chief Executive Officer
of the State of West Virginia*; JEFFREY
KESSLER, *in his capacity as the Acting
President of the Senate of the West Virginia
Legislature*; and RICHARD THOMPSON, *in
his capacity as the Speaker of the House of
Delegates of the West Virginia Legislature*,

Defendants.

NOTICE.

Thornton Cooper, Intervening Plaintiff, *pro se*, hereby notifies the Court of the information that the Court's order of December 6, 2011, required the parties to file by December 20, 2011, at 5:00 p.m.

Due to the facts (a) that Mr. Cooper was subpoenaed to testify as a witness in the United States District Court for the Southern District of West Virginia in Civil Action No. 2:09-1272 in a trial on Tuesday, December 13, 2011 (as Mr. Cooper previously informed the Court) and (b) that that trial has been rescheduled to commence on the morning of Tuesday, December 20, 2011, before Judge Copenhaver, Mr. Cooper is filing this notice ahead of schedule in order to meet the time frames set forth in the order of December 6, 2011.

With respect to the issue of a joint statement of stipulated facts and disputed facts, Mr. Cooper e-mailed, early on Sunday morning, December 18, 2011, to the Counsel for the other parties, the first draft of a proposed joint stipulation. He would inform the Court that the attorneys for the respective parties have been working to achieve some joint stipulation to comply with the Court's order of December 6, 2011. However, due to the fact that he has been subpoenaed to testify as a witness on December 20, 2011, Mr. Cooper will himself be unable to sign any joint stipulation by that date.

He is willing to file a statement after that date as to any matters with respect to which two or more of the other parties have filed a stipulation by that date.

Mr. Cooper has also informed the Counsel for Defendants Natalie E. Tennant and Earl Ray Tomblin that Mr. Cooper has no objection to a request that they may make on December 20, 2011, to be relieved from participating in the preparation of a joint stipulation, to be relieved from preparing and submitting briefs in this case, and to be relieved from putting on any evidence in this case.

With respect to the presentation of testimony, on December 20, 2011. Mr. Cooper would like to have the opportunity to offer testimony (by making a statement under oath as a *pro se* party) on the following subjects, or some of them: (a) how compactness is measured, whether he accepts the compactness calculations offered by the other parties in this case, and what his compactness tests and measurements would be; (b) the difficulties that a congressional candidate has in campaigning in a district that extends from Charleston to Charles Town; and (c) the proceedings and hearings that took place prior to the enactment of Senate Bill No. 1008.

As a party, Mr. Cooper certainly desires to participate in any oral argument that the Court may allow the various parties, including arguing in support of his motion for summary judgment.

THORNTON COOPER

Intervening Plaintiff

Pro Se

/s/ Thornton Cooper
Thornton Cooper (WVSB No. 823)
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Dated: December 19, 2011

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his capacity as the Speaker of the House of
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Defendants.

CERTIFICATE OF SERVICE.

I, Thornton Cooper, Intervening Plaintiff, do hereby certify that on December 19, 2011, I electronically filed the foregoing **NOTICE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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